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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,933	10/19/2001	Wayne E. Fisher	M-10965 US	7604

7590 02/02/2004

MICHAEL P. ADAMS
WINSTEAD SECHREST & MINICK P. C.
5400 RENAISSANCE TOWER
1201 ELM STREET
DALLAS,, TX 75270-2199

EXAMINER

KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/037,933

Applicant(s)

FISHER, WAYNE E.

Examiner

Alford W. Kindred

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This action is responsive to communications: application filed on 10/19/01.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US# 2003/0135478 A1, Marshall et al.

As per claim 1, Marshall et al. teaches "said IMS database is loaded, assuming control from an IMS program . . ." (see page 2, paragraphs [0033] and page 3, paragraphs [0042]-[0044]) "passing control back to said IMS program . . . updating of said database . . ." (see page 3, paragraphs [0040]-[0044]) "selecting a storage location for said data to be stored" (see page 3, paragraph [0038]) "modifying said IMS control blocks to indicate the storage location selected; and passing control back to said IMS program" (see page 5, paragraphs [0059]-[0061]).

As per claim 2, Marshall et al. teaches "storage data to be stored is selected based on IMS database user preference" (see page 3, paragraphs [0042]-[0044]).

As per claim 3, Marshall et al. teaches "root segments and said user preferences include storing said root segments in fixed storage locations" (page 16, paragraph [0204] and page 17, paragraphs [0205]-[0206]).

As per claim 4, Marshall et al. teaches "storing said data in particular units of work" (see page 11, paragraphs [0131]-[0133]).

As per claims 5-7, Marshall et al. teaches "includes non-root segments and said user preferences . . . the root segment of said non-root segments" (see page 12, paragraphs [0143]-[0148]).

As per claims 8-9, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 1 and are similarly rejected including the following:

-- Marshall et al. teaches "IMS database is loaded . . . IMS control blocks built by said IMS program . . ." (see page 2, paragraphs [0033] and page 3, paragraphs [0042]-[0044]) "passing control back to said IMS program . . . IMS program attempts to insert a first segment . . . updating of said database . . ." (page 3, paragraphs [0040]-[0044]) "a prefix component and a data component . . ." (see page 12, paragraphs [0140]-[0143]) "appending a data link to each said prefix and data component . . . said data link appended becoming a third segment" (see page 4, paragraph [0057] and page 5, paragraphs [0058]-[0059]) "modifying said IMS control blocks to indicate the storage locations selected . . ." (see page 5, paragraphs [0059]-[0061]).

As per claims 10-11 and 13, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 5-7 and are similarly rejected.

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As per claim 12, Marshall et al. teaches "storing said second segment in a unit of work" (see page 3, paragraphs [0038]-[0039]).

As per claims 14-15, Marshall et al. teaches "storing said second and third segments in different storage locations in one storage . . ." (see page 17, paragraphs [0215] and [0219] and page 18, paragraphs [0235]).

As per claims 16-17, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1 and 8 and are similarly rejected.

As per claims 18-21, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1, 8, and 16-18 and are similarly rejected.

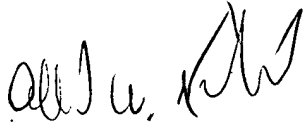
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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 703-305-3802. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Klm Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.



Alford W. Kindred
Patent Examiner
Tech Ctr. 2100